

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP FEI, on behalf of himself and classes
of those similarly situated,

Plaintiff,

v.

WESTLB AG,

Defendant.

Index No.: 07 Civ. 8785 (HB) (FM)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the affirmation of Jason Habinsky and accompanying exhibits, executed December 14, 2007, the affidavit of Linda Shirley, dated December 14, 2007, the Memorandum of Law in support hereof, dated December 14, 2007, and the prior pleadings herein, defendant WestLB AG, by its undersigned attorneys, moves this Court before the Honorable Harold Baer, Jr. for an order dismissing the Complaint or alternatively precluding the use of misappropriated information and precluding Philip Fei from being the collective/class action representative, and ordering him to immediately return to WestLB all documents and information that he transmitted or removed from the premises of WestLB, including copies, and any copies that he provided to others.

Dated: December 14, 2007
New York, New York

HUGHES HUBBARD & REED LLP

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